

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FELISES BURTON,)	
)	
Plaintiff,)	
)	2:09-cv-00074-PMP-LRL
v.)	
)	
PREFERRED PROPERTIES, <i>et. al.</i> ,)	
)	
Defendants.)	
_____)	

REPORT & RECOMMENDATION

Plaintiff submitted an Application to Proceed *In Forma Pauperis* and a Complaint pursuant to 42 U.S.C. § 1983 (#2) on January 12, 2009. Upon granting his request to proceed *in forma pauperis*, this court screened his Complaint pursuant to 28 U.S.C. § 1915(a), finding that “the substance of plaintiff’s allegations reveals . . . that he is not alleging a civil rights violation under § 1983.” Instead the Complaint alleged that plaintiff’s property manager discriminated against him based on race and disability and failed to make repairs. This court, therefore, dismissed the Complaint on January 16, 2009, and instructed plaintiff to amend his Complaint to cure the deficiencies listed by the court. Order (#2). *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1985). Plaintiff was warned that failure to adequately amend the Complaint by February 16, 2009 may result in dismissal. To date, plaintiff has not filed an amended complaint or any other paper.

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RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that this case be dismissed with prejudice.

DATED this 15th day of December, 2009.



LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE